

KRISHNAMURTI FOUNDATION TRUST

BROCKWOOD PARK SCHOOL & INWOODS SMALL SCHOOL DATA PROTECTION POLICY

Last Review Date	April 2020
Policy endorsed by	The Trustees, Directors and Bursar
Policy is maintained by	Bursar
Next review date	August 2021
Review body	Principal and Bursar

Krishnamurti Foundation Trust Ltd is the legal entity and is the "data controller". There are four departments in the Trust and we have put in place structures within each department to upload the data subject's rights. Only information related to support functions is shared. This policy is for Brockwood Park School and Inwoods Small School (School).

This policy is reviewed annually and recognises that in May 2018 the new EU General Data Protection Regulations (GDPR) And Data Protection Act 2018 came into effect. Although the principles of the new legislation remain broadly the same as current arrangements the importance of how organisations manage data protection is emphasised and recognised by the school.

WHAT THIS POLICY IS FOR

This policy is intended to provide information about how the school will use (or "process") personal data about individuals including: staff, current, past and prospective pupils; and their parents, carers or guardians (referred to in this policy as "parents").

This information is provided because the Data Protection law gives individuals rights to understand how their data is used. Staff, parents and pupils are all encouraged to read this Data Protection Policy and understand the school's obligations to its entire community.

This Policy applies alongside any other information the school may provide about a particular use of personal data, for example when collecting data via an online or paper form.

This Policy also applies in addition to the School's other relevant terms and conditions and policies, including:

- any contract between the school and its staff or the parents of pupils;
- the school's policy on taking, storing and using images of children;
- the school's retention of records policy;

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- the school's safeguarding, pastoral, or health and safety policies, including how concerns or incidents are recorded; and
- the school's IT policies, including its Acceptable Use policy, eSafety policy, Mobile policy and Remote Working policy.

Anyone who works for, or acts on behalf of the School (including staff, volunteers, governors and service providers) should also be aware of and comply with the School's Data Protection policy for staff, which can be found in the Staff Handbook, the section on confidentiality and disclosure of information.

RESPONSIBILITY FOR DATA PROTECTION

The Trust has appointed the Bursar as the lead for Data Protection and in conjunction with the Directors, they will endeavour to ensure that all personal data is processed in compliance with this policy and the Act.

GENERAL PRINCIPLES

The School commits to adhering to the eight Data Protection principles of good data handling:

- Principle 1: Personal data shall be obtained and processed fairly and lawfully;
- Principle 2: Personal data shall be obtained only for the specified and lawful purposes and shall be processed for limited purposes;
- Principle 3: Personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is obtained;
- Principle 4: Personal data shall be accurate and kept up to date;
- Principle 5: Personal data shall not be kept for longer than necessary;
- Principle 6: Personal data shall be processed in accordance with the rights of the data subject under the Data Protection Act 1998;
- Principle 7: Personal data (manual and electronic) must be kept secure;
- Principle 8: Personal data shall not be transferred outside the European Union unless that country provides adequate levels of protection for the rights of the data subject.

WHY THE SCHOOL NEEDS TO PROCESS PERSONAL DATA

In order to carry out its ordinary duties to staff, pupils and parents, the school needs to process a wide range of personal data about individuals (including current, past and prospective staff, pupils or parents) as part of its daily operation.

Some of this activity the school will need to carry out in order to fulfil its legal rights, duties or obligations – including those under a contract with its staff, or parents of its pupils.

Other uses of personal data will be made in accordance with the school's legitimate interests, or the legitimate interests of another, provided that these are not outweighed by the impact on individuals, and provided it does not involve special or sensitive types of data.

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The school expects that the following uses will fall within one of the legal reasons for obtaining and holding data:

- For the purposes of pupil selection (and to confirm the identity of prospective pupils and their parents);
- To provide education services, including musical education, physical training or spiritual development, career services, and extra-curricular activities to pupils, and monitoring pupils' progress and educational needs;
- Maintaining relationships with alumni and the school community, including direct marketing or fundraising activity;
- For the purposes of donor due diligence, and to confirm the identity of prospective donors and their background [and relevant interests];
- For the purposes of management planning and forecasting, research and statistical analysis, including that imposed or provided for by law (such as tax, diversity or gender pay gap analysis);
- To enable relevant authorities to monitor the School's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective pupils, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past pupils;
- To enable pupils to take part in national or other assessments, and to publish the results of public examinations or other achievements of pupils of the school;
- To safeguard pupils' welfare and provide appropriate pastoral care;
- To monitor (as appropriate) use of the school's IT and communications systems in accordance with the school's IT: Acceptable Use policy;
- To make use of photographic images of pupils in school publications, on the school website and (where appropriate) on the school's social media channels in accordance with the school's policy on taking, storing and using images of children;
- To carry out or cooperate with any School or external complaints, disciplinary or investigation process; and
- Where otherwise reasonably necessary for the School's purposes, including to obtain appropriate professional advice and insurance for the School.

In addition, the School will on occasion need to process special category personal data (concerning health, ethnicity, religion, finance and banking data, special education needs, biometrics or sexual life) or criminal records information (such as when carrying out DBS checks) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required.

These reasons will include:

- To safeguard pupils' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition or other

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relevant information where it is in the individual's interests to do so: for example, for medical advice, for social protection, safeguarding, and cooperation with the police or Social Services, for insurance purposes or to caterers or organisers of school trips who need to be made aware of dietary or medical needs;

- To provide educational services in the context of any special educational needs of a pupil;
- As part of any school or external complaints, disciplinary or investigation process that involves such data, for example, if there are SEN, health or safeguarding elements; or
- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

TYPES OF PERSONAL DATA PROCESSED BY THE SCHOOL

This will include, by way of example:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- car details (about those who use our car parking facilities);
- bank details and other financial information, e.g. about parents who pay fees to the school;
- past, present and prospective pupils' academic, disciplinary, admissions and attendance records (including information about any special needs), and examination scripts and marks;
- personnel files, including in connection with academics, employment or safeguarding;
- where appropriate, information about individuals' health and welfare, and contact details for their next of kin;
- references given or received by the school about pupils, and relevant information provided by previous educational establishments and/or other professionals or organisations working with pupils;
- correspondence with and concerning staff, pupils and parents past and present; and
- images of pupils (and occasionally other individuals) engaging in school activities (in accordance with the school's policy on taking, storing and using images of children).

HOW THE SCHOOL COLLECTS DATA

Generally, the School receives personal data from the individual directly (including, in the case of pupils, from their parents). This may be via a form, or simply in the ordinary course of interaction or communication (such as email or written assessments).

However, in some cases, personal data will be supplied by third parties (for example, another school, or other professionals or authorities working with that individual); or collected from publicly available resources.

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WHO HAS ACCESS TO PERSONAL DATA AND WHO THE SCHOOL SHARES IT WITH

Occasionally, the School will need to share personal information relating to its community with third parties, such as:

- professional advisers (e.g. lawyers, insurers, PR advisers and accountants);
- government authorities (e.g. HMRC, DfE, police or the local authority); and
- appropriate regulatory bodies e.g. [NCTL](#), the [Independent Schools Inspectorate](#), the [Charity Commission](#) or the [Information Commissioner](#).

For the most part, personal data collected by the School will remain within the School, and will be processed by appropriate individuals only in accordance with access protocols (i.e. on a 'need to know' basis). Particularly strict rules of access apply in the context of:

- medical records [held and accessed only by the school doctor and appropriate medical staff under his/her supervision, or otherwise in accordance with express consent]; and
- pastoral or safeguarding files.

However, a certain amount of any SEN pupil's relevant information will need to be provided to staff more widely in the context of providing the necessary care and education that the pupil requires.

Staff, pupils and parents are reminded that the school is under duties imposed by law and statutory guidance (including [Keeping Children Safe in Education](#)) to record or report incidents and concerns that arise or are reported to it, in some cases regardless of whether they are proven, if they meet a certain threshold of seriousness in their nature or regularity. This is likely to include file notes on personnel or safeguarding files, and in some cases referrals to relevant authorities, such as the LADO or police. For further information about this, please view the School's Safeguarding Policy.

Finally, in accordance with Data Protection Law, some of the school's processing activity is carried out on its behalf by third parties, such as IT systems, web developers or cloud storage providers. This is always subject to contractual assurances that personal data will be kept securely and only in accordance with the School's specific directions.

HOW LONG WE KEEP PERSONAL DATA

The School will retain personal data securely and only in line with how long it is necessary to keep for a legitimate and lawful reason. A limited and reasonable amount of information will be kept for archiving purposes, for example; and even where you have requested that we should no longer keep in touch with you, we will need to keep a record of that fact in order to fulfil your wishes (called a "suppression record"). Please refer to the Charity's Records Retention and Disposal Policy for more details.

KEEPING IN TOUCH AND SUPPORTING THE SCHOOL

The School will use the contact details of parents, alumni, donors and other members of the School community to keep them updated about the activities of the School, or alumni and

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parent events of interest, including by sending updates and newsletters, by email and by post. Unless the relevant individual objects, the school will also:

- Share personal data about parents and/or alumni, as appropriate, with organisations set up to help establish and maintain relationships with the school community;
- Contact parents, alumni and/or donors by post and email in order to promote and raise funds for the Trust [and, where appropriate, other worthy causes];
- Should you wish to limit or object to any such use, or would like further information about them, please contact the Bursar in writing. You always have the right to withdraw consent, where given, or otherwise object to direct marketing or fundraising. However, the School is nonetheless likely to retain some of your details (not least to ensure that no more communications are sent to that particular address, email or telephone number).

RIGHTS OF ACCESS TO PERSONAL DATA ("SUBJECT ACCESS REQUEST")

Individuals have the right under the Act to access personal data about them held by the School, subject to certain exemptions and limitations set out in the Act. Any individual wishing to access their personal data should put their request in writing to the Bursar.

The School will endeavour to respond to any such written requests (known as "subject access requests") as soon as is reasonably practicable and, in any event, within statutory time-limits.

You should be aware that certain data is exempt from the right of access under the Act. This may include information which identifies other individuals, or information which is subject to legal professional privilege. The School is also not required to disclose any pupil examination scripts, nor any reference given by the School for the purposes of the education, training or employment of any individual.

Pupils can make subject access requests for their own personal data, provided that, in the reasonable opinion of the School, they have sufficient maturity to understand the request they are making. Pupils aged 12 or over are generally assumed to have this level of maturity, although this will depend on both the child and the personal data requested. All subject access requests from pupils will therefore be considered on a case by case basis.

A person with parental responsibility will generally be expected to make a subject access request on behalf of younger pupils. A pupil of any age may ask a parent or other representative to make a subject access request on his/her behalf.

WHOSE RIGHTS

- The rights under the Act belong to the individual to whom the data relates. However, the School will, in most cases, rely on parental consent to process personal data relating to pupils (if consent is required under the Act) unless, given the nature of the processing in question, and the pupil's age and understanding, it is more appropriate to rely on the pupil's consent. Parents should be aware that in such situations they may not be consulted;
- In general, the School will assume that pupils consent to disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's

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activities, progress and behaviour, and in the interests of the pupil's welfare, unless, in the School's opinion, there is a good reason to do otherwise;

- However, where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, the School will maintain confidentiality unless, in the School's opinion, there is a good reason to do otherwise; for example, where the school believes disclosure will be in the best interests of the pupil or other pupils.

Pupils are required to respect the personal data and privacy of others, and to comply with the school's Guidelines on Students' use of ICT, Mobile Phones & Other Electronic Devices Policy and ICT Acceptable Use Policy Agreement and the school rules.

DATA ACCURACY AND SECURITY

- The School will endeavour to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Individuals must notify the Bursar of any changes to information held about them;
- An individual has the right to request that inaccurate information about them is erased or corrected (subject to certain exemptions and limitations under the Act) and may do so by contacting the Bursar in writing;
- The School will take appropriate technical and organisational steps to ensure the security of personal data about individuals. All staff will be made aware of this policy and their duties under the Act.

QUERIES AND COMPLAINTS

- Any comments or queries on this policy should be directed to the Bursar using the following contact details: The Bursar, Krishnamurti Foundation Trust Ltd, Brockwood Park, Bramdean, SO24 0LQ, Hampshire. Telephone 01962 771 774 or email bursar@brockwood.org.uk
- If an individual believes that the School has not complied with this policy or acted otherwise than in accordance with the Act, they should utilise the school [complaints / grievance] procedure and should also notify the Bursar.